

1 THE HONORABLE MARSHA J. PECHMAN
2
3
4
5
6

7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 AMAZON.COM, LLC,

11 Plaintiff,

12 v.

13 KENNETH R. LAY, in his official capacity as
14 Secretary of the North Carolina Department of
15 Revenue,

16 Defendant.

17 JANE DOE 1, JANE DOE 2, JANE DOE 3,
18 JANE DOE 4, JANE DOE 5, JANE DOE 6, AND
19 CECIL BOTHWELL,

20 Plaintiffs-Intervenors

21 v.

22 KENNETH R. LAY, in his official capacity as
23 Secretary of the North Carolina Department of
24 Revenue, and AMAZON.COM, LLC,

25 Defendants in Intervention.

26 No. 10-cv-00664-MJP

27 STIPULATION AND ORDER
28 EXTENDING RESPONSE TIME
AND RE-NOTING INTERVENORS'
MOTIONS

NOTE ON MOTION CALENDAR:
JUNE 30, 2010

STIPULATION

The parties stipulate and agree as follows:

1. Plaintiffs-Intervenors Jane Does 1 – 6 and Cecil Bothwell (“Intervenors”), by and through counsel, filed their Motion to Intervene (Dkt. No. 21) on June 23, 2010. Intervenors also filed on June 23, 2010, Intervenors’ Motion to File Complaint in Intervention Using Pseudonyms (Dkt. No. 23) and individual Declarations in support thereof (Dkt. Nos. 24-29). These intervention motions were noted on the motions calendar for July 9, 2010.

2. The parties' responses to the intervention motions are currently due July 6, 2010.

3. Pursuant to a Stipulated Order Extending Time to File Answer entered in this case (Dkt. No. 20), the deadline for Defendant to file an answer or otherwise plead is July 12, 2010. Defendant is presently preparing to file a motion to dismiss on jurisdictional grounds which will be noted for August 6, 2010.

4. As a result of other responsibilities and cases in litigation, counsel for Secretary Lay have requested additional time until July 12, 2010, in order to investigate and prepare appropriate responses to the motion to intervene, as well as the motion to file complaint in intervention using pseudonyms.

5. Counsel for all parties have conferred and Intervenors' counsel have agreed to extend the time for response by re-noting the intervention motions to July 23, 2010, in return for Plaintiff and Defendant filing their responses to the motions on July 12, 2010. Plaintiff's counsel do not object to this alteration of the response date and re-noting of the intervention motions.

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, subject to the Court's approval, that the time for filing responses to the motions of Intervenors (Dkt. Nos. 21 & 23) should be extended to July 12, 2010, and the intervention motions should be noted for consideration by the Court on July 23, 2010, rather than July 9, 2010.

DATED this the 30th day of June, 2010.

1 **MCKAY CHADWELL, PLLC**

2 By: /s/ Thomas M. Brennan
3 Thomas M. Brennan
4 WSBA No. 30662
5 600 University St., Suite. 1601
6 Seattle, WA 98101
7 Telephone: (206) 233-2800
8 Facsimile: (206) 233-2809
9 Email: tmb@mckay-chadwell.com

10 *Pro Hac Vice:*

11 **ATTORNEY GENERAL ROY COOPER**

12 By: /s/ Kay Linn Miller Hobart
13 Kay Linn Miller Hobart
14 Special Deputy Attorney General
15 N.C. State Bar No. 16746
16 Telephone: (919) 716-6550
17 Facsimile: (919) 715-3550
18 Email: khobart@ncdoj.gov

19 By: /s/ Tiare B. Smiley

20 Tiare B. Smiley
21 Special Deputy Attorney General
22 N.C. State Bar No. 7719
23 Telephone: (919) 716-6900
24 Facsimile: (919) 716-6763
25 Email: tsmiley@ncdoj.gov
26 N.C. Department of Justice
27 P.O. Box 629
28 Raleigh, NC 27602

20 *Attorneys for Defendant*

1 **DAVIS WRIGHT TREMAINE LLP**

2 By: /s/ Steven P. Caplow
3 Steven P. Caplow
4 WSBA #19843
5 1201 Third Avenue, Suite 2200
6 Seattle, WA 98101-3045
7 Telephone: (206) 622-3150
8 Facsimile: (206) 757-7700
9 Email: stevencaplow@dwt.com

10 *Of Counsel Pro Hac Vice:*

11 **DAVIS WRIGHT TREMAINE LLP**
12 Laura R. Handman
13 Robert G. Scott, Jr.
14 Elizabeth J. Soja
15 1919 Pennsylvania Ave., NW, Suite 200
16 Washington, DC 20006
17 Telephone: (202) 973-4224
18 Facsimile: (202) 973-4499
19 Email: laurahandman@dwt.com
20 bobscott@dwt.com
21 elizabethsoja@dwt.com

22 *Attorneys for Plaintiff*

23 [Signatures of counsel continue on next page]

1 By: /s/ Venkat Balasubramani

2 **FOCAL PLLC**

3 Venkat Balasubramani, WSBA #28269

4 8426 40th Ave SW

5 Seattle, WA 98136

6 Tel: (206) 529-4827

7 Fax: (206) 260-3966

8 Email: venkat@focallaw.com

9 **AMERICAN CIVIL LIBERTIES UNION OF WASHINGTON FOUNDATION**

10 Sarah A. Dunne, WSBA # 34869

11 901 Fifth Ave, Suite 630

12 Seattle, Washington 98164

13 Tel: (206) 624-2184

14 Fax: (206) 624-2190

15 Email: dunne@aclu-wa.org

16 *Pro Hac Vice:*

17 **AMERICAN CIVIL LIBERTIES UNION FOUNDATION**

18 **Speech, Privacy and Technology Project**

19 Aden J. Fine

20 Mariko Hirose

21 125 Broad Street, 18th Floor

22 New York, NY 10004

23 Tel: (212) 549-2500

24 Fax: (212) 549-2651

25 Email: afine@aclu.org

26 mhirose@aclu.org

27 *Pro Hac Vice:*

28 **AMERICAN CIVIL LIBERTIES UNION OF NORTH CAROLINA FOUNDATION**

Katherine Lewis Parker

Post Office Box 28004

Raleigh, North Carolina 27611

Tel: (919) 834-3466

Fax: (866) 511-1344

Email: acluncklp@nc.rr.com

29 *Attorneys for Plaintiffs-Intervenors*

ORDER

Based on the foregoing stipulation of the parties and good cause appearing, therefore it is so ordered that the time for Plaintiff's and Defendant's responses to the Plaintiffs-Intervenors' Motion to Intervene (Dkt. No. 21) and Motion to File Complaint in Intervention Using Pseudonyms (Dkt. No. 23) is hereby extended to July 12, 2010, and the motions are now noted for consideration on July 23, 2010 rather than July 9, 2010.

IT IS SO ORDERED, this ____ day of June, 2010.

MARSHA J. PECHMAN
United States District Judge

Presented by:

MCKAY CHADWELL, PLLC
By: /s/ Thomas M. Brennan
Thomas M. Brennan
WSBA No. 30662
600 University St., Suite. 1601
Seattle, WA 98101
Telephone: (206) 233-2800
Facsimile: (206) 233-2809
Email: tmb@mckay-chadwell.com

Attorneys for Defendant

Pro Hac Vice:
ATTORNEY GENERAL ROY COOPER
By: /s/ Kay Linn Miller Hobart
Kay Linn Miller Hobart
Special Deputy Attorney General
N.C. State Bar No. 16746
Telephone: (919) 716-6550
Facsimile: (919) 715-3550
Email: khobart@ncdoj.gov

By: /s/ Tiare B. Smiley
Tiare B. Smiley
Special Deputy Attorney General
N.C. State Bar No. 7719
Telephone: (919) 716-6900
Facsimile: (919) 716-6763
Email: tsmiley@ncdoj.gov
N.C. Department of Justice
P.O. Box 629
Raleigh, NC 27602

Attorneys for Defendant